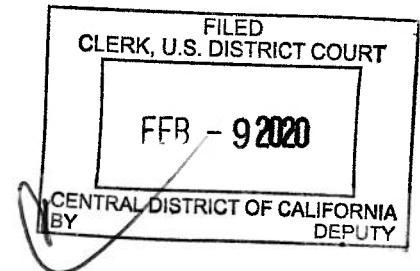


IN THE UNITED STATES DISTRICT COURT  
FOR THE CENTRAL DISTRICT OF CALIFORNIA



UNITED STATES OF AMERICA,  
Plaintiff(s),

/

/

v.

/

Criminal Case No. 2:13-CR-00736-JFW

/

SINH VINH NGO NGUYEN  
BOP Inmate No, 66864-112  
Defendant.

/

/

MOTION REQUESTING A JUDICIAL RECOMMENDATION CONCERNING  
LENGTH OF RRC/HALFWAY HOUSE PLACEMENT

COMES NOW, Defendant, Sinh Vinh Ngo Nguyen ("Mr. Nguyen"), pro se and unskilled in the field of law, respectfully moves this Honorable Court to recommend that the Bureau of Prisons ("BOP") afford the Defendant Residential Re-entry Center ("RRC") Halfway House placement time of 12 months preceeding the end of his sentence. In support thereof, Defendant states the following:

1. On June 30, 2014, Mr. Nguyen was sentenced by this court to a term of one hundred fifty-six (156) months imprisonment followed by a term of ten (10) years supervised release.

2. The court ordered Mr. Nguyen "remanded to the custody of the United States Marshal."

3. Pursuant to the Second Chance Act of 2007 ("SCA"), the BOP may place a Defendant into RRC/Halfway House up to twelve months prior to his release date if it is determined that placement in a Halfway House is of "sufficient duration to provide the greatest likelihood of successful reintegration into the community."

4. The criteria that the Bureau of Prisons is to consider in assessing an individual applicants eligibility for up to twelve months of RRC/Halfway House are: any statement made by the court concerning the purposes warranted a

sentence to imprisonment and recommending the type of correctional facility that would be appropriate. 18 U.S.C. §3621(b)(4)(A), (B). (See **Exhibit A - Granted 12 months RRC motions**). An RRC/Halfway House is a correctional facility with **superior transitional programs** to help inmates rebuild their ties to the community.

5. Title 18 United States Code Section 3582(c) provides that a "court may not modify a term of imprisonment once it has been imposed except" in very limited circumstances. Mr. Nguyen is not asking the court to modify his sentence. He is asking the court to simply change the place of incarceration of the remainder of his sentence per the Second Chance Act, a Federal Law.

6. Mr. Nguyen is currently housed in the Medium Security Federal Correctional Institution ("FCI") in Florence, Colorado. His release date is November 7, 2024 and an RRC placement will not affect this.

7. According to Federal Bureau of Prisons Memorandum from Chief Executive Officer, dated June 24, 2010, extended Pre-Release RRC/Halfway House time decisions "are of focus on RRC placement as a mechanism to reduce recidivism." Mr. Nguyen's record attest to his need for such comprehensive institutional rehabilitation.

8. Mr. Nguyen is 31 years old. He is young enough to be reformed and rejoin law-abiding society with all the help available from prolonged placement at a Federal Halfway House.

9. Mr. Nguyen's employment history has been exceptional. However, employment prospects are not promising without the retraining assistance at a Federal RRC.

10. The purpose of the SCA of 2007 is to improve the reintegration of offenders back into their respective communities and to reduce recidivism. While ultimately left to the discretion of the BOP, RRC/Halfway House placement must be:

(A) conducted in a manner consistent with section 3621(b) of this title;  
(B) determined on an individual basis; and  
(C) of sufficient duration to provide the greatest likelihood of successful reintegration into the community, 18 U.S.C. §3624(c)(1)-(2).

11. In addition, Mr. Nguyen has participated in the following BOP programs in an attempt to prepare for his release and aid in his rehabilitation:

- |  |                               |
|--|-------------------------------|
| a. Internet/Food Management Lifeskill  | f. Renewable and Wind Energy  |
| b. Career Employment                   | g. Energy/Solar Photovoltaic  |
| c. 7 Habits of Highly Effective People | h. Commercial Driving License |
| d. Hospitality Education & Retailing   | i. Flagging                   |
| e. Certified Logistic Technician       | j. Keyboarding                |

Furthermore, Mr. Nguyen has been programming since the start of his incarceration (See Exhibit B - Inmate Education Data Transcript).

12. A recommendation that Mr. Nguyen be placed for 12 months at an RRC/Halfway House would be consistent with the reintegration principles of the SCA and would allow Mr. Nguyen to better address the underlying impetus that leads to commission of his past and instant offense.

13. A recommendation that Mr. Nguyen be afforded RRC/Halfway House placement time of 12 months would maintain the integrity of the disposition while still preserving the punitive aspect of his sentence and would allow Mr. Nguyen the opportunity to address and correct his elevated risk of recidivism by the nature of his past and instant offense. He will remain under the control of the BOP while in the supervised environment of the RRC as the law requires.

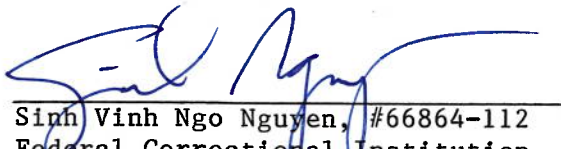
14. Mr. Nguyen expressed exceptional remorse and contrition regarding his commission of his offense.

15. The Attorney General of the United States and the Inspector General of the BOP have noted in reports and public statements that the BOP is under utilizing various programs available, such as RCC/Halfway House, and even such deserving inmates as Mr. Nguyen are frequently denied extended placement.

16. It should also be noted that generous RRC/Halfway House placement drastically reduces the cost of traditional incarceration.

WHEREFORE NOW, above premises considered, Mr. Nguyen respectfully requests that this Honorable Court GRANT his motion and all relief requested herein, issuing a judicial recommendation to the BOP that Defendant be granted the maximum placement time of 12 months Halfway House reflecting the same and granting all other relief requested by Law, Liberty, and Equity.

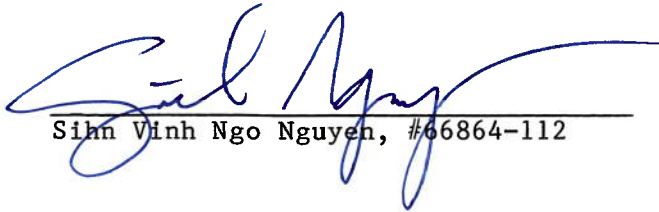
Respectfully submitted on this day 3 of February, 2021.

  
Sinh Vinh Ngo Nguyen, #66864-112  
Federal Correctional Institution  
Post Office Box 6000  
Florence, Colorado 81226-6000

**CERTIFICATE OF SERVICE**

I, the undersigned, do hereby certify that I have served a copy of this pleading upon the Clerk of the Court, via U.S. Mail, properly addressed, First-Class Postage prepaid. The undersigned further requests that a copy of this pleading be forwarded to all parties, via the CM/ECF System, as he is indigent, detained, and has no other means.

Respectfully submitted on this day 3 of February, 2021.



Sihn Vinh Ngo Nguyen, #66864-112

EXHIBIT A

UNITED STATES OF AMERICA, Plaintiff, v. JOHN TURNQUIST, Defendant.  
UNITED STATES DISTRICT COURT FOR THE EASTERN DISTRICT OF CALIFORNIA  
2018 U.S. Dist. LEXIS 98614  
No. 1:12-cr-000173 AWI  
May 31, 2018, Decided  
May 31, 2018, Filed

**Editorial Information: Subsequent History**

Writ of habeas corpus denied Turnquist v. United States, 2019 U.S. Dist. LEXIS 41857 (E.D. Cal., Mar. 14, 2019)

**Counsel** {2018 U.S. Dist. LEXIS 1} John Turnquist, Defendant, Pro se,  
HERLONG, CA.

For John Turnquist, Defendant: Robert Conrad Lamanuzzi,  
LEAD ATTORNEY, Law Offices of Robert C Lamanuzzi, Fresno, CA USA.

For U.S.A.: Melanie Leigh Alsworth, GOVT, LEAD ATTORNEY,  
Fresno Forfeiture Unit, United States Attorney's Office, Fresno, CA USA; Kathleen Anne  
Servatius, United States Attorney Fresno Office, Fresno, CA USA; Mia Anne Giacomazzi, U  
S Attorneys Office, Fresno, CA USA.

**Judges:** Anthony W. Ishii, Senior United States District Judge.

**Opinion**

**Opinion by:** Anthony W. Ishii

**Opinion**

**ORDER REGARDING DEFENDANT'S PRO SE MOTION FOR A JUDICIAL RECOMMENDATION  
FOR PLACEMENT IN A RESIDENTIAL RE-ENTRY CENTER (RRC)/HALFWAY HOUSE**

On March 30, 2018, Defendant, John Turnquist ("Turnquist") filed his pro se motion "requesting a judicial recommendation concerning length of RRC/Halfway House placement". The undersigned personally received a copy of his motion on May 30, 2018. In his motion, Turnquist respectfully moves the court "to recommend that the Bureau of Prisons ("BOP") afford him a Residential Re-Entry Center ("RRC)/Halfway House placement time of twelve (12) months preceding the end of his sentence".

In support of his motion, Turnquist states as follows:

1. That on March 30, 2015, {2018 U.S. Dist. LEXIS 2} this court sentenced him to a term of one hundred and twenty (120) months imprisonment followed by a term of four (4) years of supervised release.
2. That pursuant to the Second Chance Act of 2007 ("SCA") the BOP may place a Defendant into an RRC/Halfway House up to twelve (12) months prior to his release date if it is determined that his placement in an RRC/Halfway House for such period would be of "sufficient duration to provide the greatest likelihood of successful reintegration into the community."

## EXHIBIT A

3. That the criteria that the BOP is to consider in assessing an individual applicant's eligibility for up to twelve (12) months of RRC/Halfway House placement includes: any statements made by the Court concerning the purposes that warranted a sentence to imprisonment and recommending the type of correctional facility that would be appropriate. 18 U.S.C. 3621(b)(4)(A), (B). An RRC/Halfway House is a correctional facility with superior transitional programs to help inmates rebuild their ties to the community and to their family. Any recommendation by the Court is non-binding on the BOP and is purely advisory.
4. That Turnquist is currently housed at the Federal Correctional Institution Herlong, CA. His release date{2018 U.S. Dist. LEXIS 3} is February 28, 2020, and a recommendation for RRC/Halfway House placement of 12 months will not affect this release date.
5. That Title 18, United States Code, section 3582(c) provides that a "court may not modify a term of imprisonment once it has been imposed except in very limited circumstances," and he is not asking the court to modify his sentence. He is asking the court to simply recommend changing the place of incarceration of the sentence per the Second Chance Act.
6. That he is 36 years old, is mature and has availed himself of every opportunity available to him at FPC Sheridan to be reformed and to rejoin law abiding society with the help of a judicial recommendation at an RRC/Halfway House in his community.
7. That according to the BOP's *Revised Guidance for Residential Reentry Center(RRC) Placements*, RRC/Halfway House time decisions "are to focus on RRC placement as a mechanism to reduce recidivism." Turnquist states that his record of prior addiction and addictive behavior, the nature of his offense and his strained family relationships certainly attest to his need for such comprehensive and community based rehabilitation.
8. This his primary emotional support for successfully reintegrating into the community{2018 U.S. Dist. LEXIS 4} and avoiding relapse into drug addiction will unquestionably come from his family, and that an RRC/Halfway House placement will afford a strong opportunity for his family to reunify and to offer full support to his reintegration.
9. That his employment history has been severely restricted by his incarceration, and that a new career path will allow him to again become the sole provider for his family, thus allowing them to break the dependency on public assistance. Placement in an RRC/Halfway House will allow him to seek full time employment for supporting his family and their health and well-being.
10. That rehabilitative programming during his incarceration has been limited, and what programs are available have already been completed by him. Placement in an RRC/Halfway House would allow far more rehabilitative programs and opportunities for him to address and correct his elevated risk of recidivism.
11. That a substantial concern for him is the melanoma cancer and resulting 6 surgeries that his wife has undergone. Placement in an RRC/Halfway House will allow him to begin to take the first steps to provide for his family's well-being and needs.
12. That his past use of drugs has been detrimental{2018 U.S. Dist. LEXIS 5} to him and has affected all areas of his life. Turnquist states that he would greatly benefit from community based drug addiction aftercare in an RRC/Halfway House. Turnquist states that he has graduated from the BOP's Residential Drug Abuse Program (RDAP) where he was honored with awards for his participation.
13. That he expressed exceptional remorse and contrition regarding his commission of his



EXHIBIT A  
#2427

offense and he accepted responsibility. Turnquist states that he has participated in multiple parenting courses and has taken many self-improvement courses, and multiple vocational training (VT) courses. Turnquist further states that he has demonstrated a remarkable leadership role by teaching other inmates positive life and career skills such as barbering, demonstrating that he is accepting responsibility and becoming a positive contributor to a law abiding society.

In addition to the above information provided by Turnquist in support of his motion, he has also provided the court with relevant supporting documentation.

Based upon this supporting information and documentation, the court is inclined to grant Turnquist's motion and to recommend to the BOP that he be placed in an RRC/Halfway House{2018 U.S. Dist. LEXIS 6} for a period of 12 months preceding the end of his sentence. However, the court emphasizes that this is merely a recommendation to the BOP based solely on the content of Turnquist's motion. The court has conducted no independent investigation nor has the court sought or received comment from the BOP, the United States Attorney, the court's own Probation Office or any other source. The court recognizes that any determination of Turnquist's placement in an RRC/Halfway House will be independently done by the BOP pursuant to applicable law, policy and its own information and investigation of this matter.

THEREFORE, the Court recommends to the Bureau of Prisons that Turnquist be placed in an RRC/Halfway House for a period of 12 months preceding the end of his sentence in this case.

IT IS SO ORDERED.

Dated: May 31, 2018

/s/ Anthony W. Ishii

Anthony W. Ishii

Senior United States District Judge



FLFCR \*  
PAGE 001 OF 001 \*

INMATE EDUCATION DATA  
#2428  
TRANSCRIPT

\*  
\*  
02-03-2021  
07:02:46

REGISTER NO: 66864-112  
FORMAT.....: TRANSCRIPT

NAME...: NGUYEN  
RSP OF: FLF-FLORENCE FCI

FUNC: PRT

----- EDUCATION INFORMATION -----

FACL	ASSIGNMENT DESCRIPTION	START DATE/TIME	STOP DATE/TIME
FLF	ESL HAS ENGLISH PROFICIENT	08-11-2014 0001	CURRENT
FLF	GED HAS COMPLETED GED OR HS DIPLOMA	08-11-2014 0001	CURRENT

----- EDUCATION COURSES -----

SUB-FACL	DESCRIPTION	START DATE	STOP DATE	EVNT	AC	LV	HRS
FLF	LOGISTICS 2 CLT PM TUES12-3PM	06-17-2020	CURRENT				
FLF	MUSIC APPRECIATION SELF STUDY	12-07-2020	12-20-2020	P	C	P	6
FLF	LOGISTICS 1 CLA AM TUES12-3PM	03-03-2020	06-16-2020	P	C	P	35
FLF	7 HABITS CLASS	02-07-2019	04-23-2019	P	C	P	20
FLF	RECREATION BOSU BALL	07-09-2018	09-20-2018	P	C	P	32
LVN	H.E.A.R.T. KCKCC-12-3PM	10-05-2017	02-02-2018	P	C	C	180
LVN	CAREER EMPLOYMENT	10-05-2017	11-09-2017	P	C	P	40
LVN	THE ART OF STORY TELL PART 1	07-24-2017	08-15-2017	P	C	P	3
LVN	MASTERS OF WAR	07-24-2017	08-15-2017	P	C	P	3
LVN	OPTIMIZING BRAIN FITNESS	07-24-2017	08-15-2017	P	C	P	3
LVN	BARBARIAN EMPIRE OF THE STEPPE	07-24-2017	08-15-2017	P	C	P	3
FLF	RECREATION GUITAR ENG VAR TIME	04-03-2017	06-09-2017	P	C	P	20
FLF	ACE BASIC SPANISH SAT 1-3PM	06-13-2016	08-20-2016	P	C	P	20
FLF	OT WIND ENERGY	01-19-2016	03-30-2016	P	C	C	36
FLF	ENERGY/SOLAR MON-FRI 6-8 PM	04-04-2016	06-08-2016	P	C	C	36
FLF	OT RENEWABLE ENERGY/M-R 6-8PM	03-30-2016	06-01-2016	P	C	C	36
FLF	INTERMEDIATE DRAWING 0800	04-03-2016	06-11-2016	P	C	P	20
FLF	CARDIO FITNESS M-TH 1100-1230	03-14-2016	05-06-2016	P	C	P	32
FLF	BEGINNING DRAWING 0800	01-10-2016	03-19-2016	P	C	P	20
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FLF	PSYCHOLOGY 101 SAT 1-3	09-14-2015	11-14-2015	P	C	P	20
FLF	GEOMETRY	09-14-2015	11-04-2015	P	C	P	18
FLF	INTERNET/FOOD MNG/FIN/LIFESKIL	04-14-2015	06-13-2015	P	C	P	20
FLF	SPINNING 0615	03-23-2015	05-14-2015	P	C	P	32
FLF	SOFT LEATHER CRAFTING 0800	12-12-2014	02-20-2015	P	C	P	20
FLF	ACE KEYBOARDING	11-17-2014	02-14-2015	P	C	P	20
FLF	BASIC ANAT & PHYS	11-17-2014	02-14-2015	P	C	P	20
FLF	ACE FLAGGING	11-17-2014	02-12-2015	P	C	P	20
FLF	COMM DRVR LICENSE	11-17-2014	01-26-2015	P	C	P	20
FLF	PLYOMETRICS 0615	10-14-2014	12-04-2014	P	C	P	32

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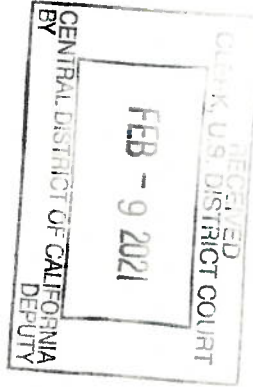
TRANSACTION SUCCESSFULLY COMPLETED

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DENVER CO 802  
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312 N. Spring Street  
LOS ANGELOS, CA 90012



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